

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
1:10-cv-125

James L Yerkes,)	
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Nationwide Trustee Services, Inc. and)	
Countrywide Home Loan,)	
)	
Defendants.)	

THIS MATTER is before the Court on *pro se* Plaintiff's Petition for Temporary Restraining Order (Doc. 2). For the following reasons Plaintiff's Motion is **DENIED**.

Mr. James Yerkes, a *pro se* plaintiff, filed a Petition for Temporary Restraining Order on June 21, 2010. Mr. Yerkes asks this Court to enjoin the foreclosure of his home without notice to Defendants Nationwide Trustee Services, Inc. and Countrywide Home Loan. Plaintiff alleges "[he] will suffer immediate and irreparable injury, loss, or damage if the order is not granted . . . as [Defendant] has scheduled the sale for June, 9, 2010." Defendants have not yet responded to Plaintiff's Petition.

Federal Rule of Civil Procedure 65(b) provides that this Court may issue a temporary restraining order without notice to the adverse party or its attorney only if the following conditions are met:

[S]pecific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition; and the movant's attorney certifies in writing any efforts made to give notice and the reasons why it should not be required.

Fed. R. Civ. P. 65(b)(1)(A)&(B) (emphasis added).

Plaintiff, acting *pro se*, failed to certify “in writing any efforts made to give notice and the reasons why it should not be required.” *Id.* Plaintiff’s Petition is void of any attempted effort to give notice and Plaintiff has not attached a certificate of service to any of his documents.

IT IS THEREFORE ORDERED that Plaintiff’s Petition for Temporary Restraining Order is hereby **DENIED**.

Signed: July 13, 2010

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

